



## NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the *Arizona Administrative Code*.

### NOTICE OF FINAL RULEMAKING

#### TITLE 1. RULES AND THE RULEMAKING PROCESS

##### CHAPTER 1. SECRETARY OF STATE RULES AND RULEMAKING

*Editor's Note: The following Notice of Final Rulemaking was exempt from Executive Order 2012-03 as issued by Governor Brewer, and was submitted for publication in the Register while this order was still in effect (see the text of the executive order on page 143).*

[R14-212]

#### PREAMBLE

- | <u>1. Articles, Parts, or Sections Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|--------------------------|
| R1-1-101  | Amend                    |
| R1-1-103  | Amend                    |
| R1-1-104  | Amend                    |
| R1-1-105  | Amend                    |
| R1-1-106  | Amend                    |
| R1-1-107  | Amend                    |
| R1-1-109  | Amend                    |
| R1-1-110  | Amend                    |
| R1-1-114  | Amend                    |
| R1-1-202  | Amend                    |
| R1-1-205  | Amend                    |
| R1-1-211  | Amend                    |
| R1-1-302  | Amend                    |
| R1-1-401  | Amend                    |
| R1-1-414  | Amend                    |
| R1-1-502  | Amend                    |
| Article 8   | Repeal                   |
| Article 8   | New Article              |
| R1-1-801  | Repeal                   |
| R1-1-801  | New Section              |
| R1-1-802  | New Section              |
| R1-1-803  | New Section              |
| R1-1-1001   | Amend                    |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 41-1011(B)  
 Implementing statute: A.R.S. § 41-1027
- 3. The effective date of the rule:**  
 December 29, 2014



**4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 18 A.A.R. 1867, August 3, 2012  
 Notice of Proposed Rulemaking: 18 A.A.R. 3100, November 30, 2012  
 Notice of Public Information 18 A.A.R. 3397, December 28, 2012  
 Notice of Supplemental Proposed Rulemaking: 19 A.A.R. 1953, August 2, 2013

**5. The agency's contact person who can answer questions about the rulemaking:**

Name: Scott Cancelosi, Director, Public Services Division  
  
 Address: Office of the Secretary of State  
 1700 W. Washington St., 7th Floor  
 Phoenix, AZ 85007  
  
 Telephone: (602) 542-0223  
  
 Fax: (602) 542-4366  
  
 E-mail: scancelosi@azsos.gov

**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The Office of the Secretary of State, Public Services Division, has proposed rule amendments under Laws 2012, Ch.

322 (SB 1193) and 352 (HB 2744) that modify statutes relating to regulatory rulemaking. These laws became effective August 2, 2012.

Proposed changes include the repeal of rules for Notices of Summary Rulemaking as abolished in the law, and the making of new rules for Notices of Expedited Rulemaking in Article 8. HB 2744 Fact Sheet, "Adds that the Register published by the SOS must contain proposed, final and objection notices of expedited rule making. Adds that the Register must contain the web address to the full text of the notice for a substantive policy statement, if practical."

Additionally, the Office has proposed amendments to the Secretary of State's rules on the rulemaking process to make citation references consistent with current statute, improve clarity of existing rules, and comply with the mandated statutory updates.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. A summary of the economic, small business, and consumer impact:**

The Office anticipates a minimal economic impact on agencies, small businesses and consumers. Agencies that meet the eligibility requirements of expedited rulemaking should benefit from reduced staff time to prepare rules.

**10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**

Any changes to the final rulemaking are manifest typographical or clerical errors that were submitted by stakeholders.

**11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**

Stakeholders, including rulewriters and staff at the Governor's Regulatory Review Council, provided input to both the original proposed rulemaking and supplemental package published in the *Administrative Register*. The public did not comment on these rules. Based on feedback, the Office evaluated the comments, and made style and format changes.

**The following comments were received for the final rulemaking.**

**G.R.R.C. Comment**

Alphabetize definitions. Put Rulemaking before rulemaking action.

**Office Response**

The Office has made the change.

**G.R.R.C. Comment**



Correct rule citation reference in the definition of “other documents.”

Office Response

The Office has corrected the rule subsection to R1-1-103(E).

G.R.R.C. Comment

Underline new text in R1-1-502.

Office Response

The Office has corrected the rule to show subsection “B” as new text and underlined in subsection (B)(18)(d)(iv).

G.R.R.C. Comment

Not all references to “as required in” were changed to “as prescribed under” as stated in the Notice of Supplemental Proposed Rulemaking.

Office Response

The Office has made the changes as intended as specified in the preamble of the Notice of Supplemental Proposed Rulemaking as published at 19 A.A.R. 1953. These include references changes in R1-1-802(B)(1) and (2) and R1-1-803(B)(C).

G.R.R.C. Comment

I [sic] did not intend that you cite A.R.S. § 41-1055(G).

Office Response

The Office believes inclusion of the citation makes the rule clear and concise.

G.R.R.C. Comment

Definitions, rulemaking action. Should reserve be a rulemaking action.

Office Response

The Office considers this request a substantive change and will re-visit the request when these rules are reviewed in the future.

G.R.R.C. Comment

Correct reference to the Administrative Procedure Act in the definition of “rulemaking package” or “rulemaking documents”.

Office Response

The Office has corrected the manifest typographical error and removed the “s” from the word “Procedure.”

G.R.R.C. Comment

R1-1-105(B)(2)(c)(vi). You deleted the submission language, further modifying the provision.

Office Response

As stated in the preamble of the Notice of Supplemental Proposed Rulemaking, the Office will not amend the current attestation requirement on a certificate. The Office inadvertently left the striking amendment in that notice, thus has corrected the text in this final notice. Since the preamble was clear as to the Office’s intent of not amending the language, the striking has been removed from “that the material being submitted is a true and correct version of the rule” as it should have been displayed in the Notice of Supplemental Proposed Rulemaking.

G.R.R.C. Comment

Correct rule citation reference in R1-1-202(2) relating to other notices.

Office Response

The Office has corrected the rule subsection to R1-1-103(E).

G.R.R.C. Comment

In R1-1-205(B)(5) change the word “of” after rule Section citation R1-1-409(A) to “to.”

Office Response

The Office has corrected the grammar.

G.R.R.C. Comment

R1-1-801(C)(5)(g). Don’t think you need this [citation “under A.R.S. § 41-1055(G)”] here if you are citing to A.R.S. § 41-1055(D)(2) at the end of the provision.

R1-1-803(B)(5)(i). Don’t think you need this here [citation “under A.R.S. § 41-1055(G)”] if you are citing to A.R.S. § 41-1055(D)(2) at the end of the provision.

Office Response

The Office is mirroring the law and believes this addition makes the subsections clear and concise.

G.R.R.C. Comment

R1-1-802(B)(5). Correctly refer to the type of Notice.

Office Response

The Office considers this request a substantive change and will re-visit the request when these rules are reviewed in the future.

G.R.R.C. Comment

R1-1-802(C). Is [the reference to] “package necessary here?”

Office Response



A package includes certain documents that are not part of the notice, those being the two receipts. A filed package also includes more than one copy of the notice, thus the Office will keep the language as submitted in the supplemental proposed rulemaking.

G.R.R.C. Comment

R1-1-803(B)(5)(k) Insert “or objections” at the end of the sentence.

Office Response

The Office considers this request a substantive change and will re-visit the request when these rules are reviewed in the future.

G.R.R.C. Comment

R1-1-803(B)(5)(l)(i). Missing the item about incorporated by reference that you put in R1-1-801.

Office Response

The Office considers this request a substantive change and will re-visit the request when these rules are reviewed in the future. This omission does not prevent an agency from including a statement in its preamble about an incorporated by reference item; nor does it prevent an agency from including incorporated by reference items in its rules.

**12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

The Notice of Final Rulemaking is not subject to Council review.

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

Not applicable

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

Not applicable

**c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:**

Not applicable

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

Not applicable

**14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

Not applicable

**15. The full text of the rules follows:**

**TITLE 1. RULES AND THE RULEMAKING PROCESS**

**CHAPTER 1. SECRETARY OF STATE  
RULES AND RULEMAKING**

**ARTICLE 1. GENERAL PROVISIONS**

Section

R1-1-101.	Definitions
R1-1-103.	<del>Submission Requirements for Publication and</del> <u>Filing Requirements</u>
R1-1-104.	<del>Submitting Material</del> <u>How to File Documents</u> for Publication
R1-1-105.	Certificates
R1-1-106.	Receipts
R1-1-107.	<del>Filing Location</del> <u>Where to File</u>
R1-1-109.	<del>Correction</del> <u>Corrections of Errors</u>
R1-1-110.	Effective Date
R1-1-114.	<del>Official Distribution</del> <u>Complimentary Copies</u> of the <i>Register</i> and the <i>Code</i> <del>at No Charge</del>

**ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER**

R1-1-202.	<u>Register</u> Contents
R1-1-205.	Notice of Rulemaking Docket Opening
R1-1-211.	Summary of Council Action



### ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE

R1-1-302. Publication of the *Code* and its Supplements

### ARTICLE 4. RULE DRAFTING

R1-1-401. Rule Drafting Style and Format

R1-1-414. Materials Incorporated by Reference; Citation of Referenced Material; Eligibility and Citations

### ARTICLE 5. PROPOSED RULEMAKING

R1-1-502. Notice of Proposed Rulemaking

### ARTICLE 8. ~~SUMMARY RULEMAKING~~ EXPEDITED RULEMAKING

R1-1-801. ~~Notice of Summary Rulemaking~~ Notice of Proposed Expedited Rulemaking

R1-1-802. Notice of Objection to a Proposed Expedited Rulemaking

R1-1-803. Notice of Final Expedited Rulemaking

### ARTICLE 10. RECODIFICATION

R1-1-1001. Notice of Recodification

### ARTICLE 1. GENERAL PROVISIONS

#### **R1-1-101. Definitions**

~~The following~~ In addition to the terms defined under A.R.S. § 41-1001, these words are definitions apply defined for use in this Chapter unless the context otherwise requires:

“Act” means A.R.S. §§ 41-1001 et seq., the “Administrative Procedure Act,” “APA,” or “Act” means Arizona Revised Statutes, Title 41, Chapter 6, Administrative Procedure.

“Agency” has the same meaning as in A.R.S. § 41-1001.

“Amendment” means a change to:

A Section, including added or deleted language;

A Part, by the addition or repeal of one or more Sections;

An Article, by the addition or repeal of one or more Sections or Parts;

A Subchapter, by the addition or repeal of one or more Articles, Parts, or Sections; or

A Chapter, by the addition or repeal of one or more Subchapters, Articles, Parts, or Sections.

“Amend” means to change, correct, or revise some but not all text in any Section, Part, Article, Subchapter or Chapter.

“Appendix” means supplementary material to a set of rules, written in prose format.

“Arizona Administrative Code” or “Code” has the same meaning as in A.R.S. § 41-1001(2). It contains “the full text of each final rule filed with the secretary of state and each rule made pursuant to a statutory exemption...” A.R.S. § 41-1012(A)

“Arizona Administrative Register” or “Register” has the same meaning as in A.R.S. § 41-1001(17). The Register contains rulemaking documents and public records as listed in A.R.S. § 41-1013(B) et seq.

“Arizona Rulemaking Manual” means the guide state’s rulemaking handbook. It is prepared by and available from the Office as a guide to Arizona for use by agencies when engaged in rulemaking.

“A.R.S.” means the Arizona Revised Statutes, a reference to the laws of the state of Arizona.

“Article” means a division of an agency’s rules under a *Code* Chapter that containing contains a unified set of rules.

“Authority” means the statutory right or power to make, amend, or repeal rules.

“Authority note or notes” means the information an agency’s implementing and authorizing statutes to make, amend, or repeal rules; not a part of the rule, appearing An agency may request an authority note be published at the beginning of a *Code* Chapter, Subchapter, Article, or Part under R1-1-407, that cites the implementing and authorizing statutes for the rules appearing in that Chapter, Subchapter, Article, or Part.

“Chapter” means a division in the codification of the *Code*, under a Title, that is numbered by the Office and named after designating a state an agency or, for a large agency, a major agency’s program.

“Close of record” means the last date and time on which an agency accepts comments, either written or oral, on a rulemaking Public Record relating to a rulemaking.

“Code” means the Arizona Administrative Code published under A.R.S. § 41-1011.

“Codification” means the labeling and numbering scheme for the rules contained the collection and systematic arrangement, by subject, in the *Code* of the rules that govern a specific area or subject of law or practice.

“Commercial purpose” has the same meaning as A.R.S. § 39-121.03.

“Economic, Small Business, and Consumer Impact Statement” means the document that an agency makes to show that the agency has studied the rule’s economic impact on the regulated community as well as the impact on small businesses and consumers has the same meaning as in A.R.S. § 41-1055. It is prepared by an agency and filed with an agency’s



rulemaking package.

“Electronic media” or “electronic medium” means any type of material the distribution format for data storage used by on a computer. This includes: floppy disks, CDs, DVDs, and flash (thumb) drives.

“Emergency rule” has the same meaning as in A.R.S. § 41-1001 A.R.S. § 41-1001(7).

“Exempt rule” means a rule that is exempt from the provisions of the Act. “Exempt rule” does not include a rule that is exempt only from Council review.

“Exhibit” means supplementary material used for items that do not fit the definition of an Appendix, Table, or Illustration.

“~~Council~~” means the Governor's Regulatory Review Council,” or “Council” established has the same meaning as in under A.R.S. § 41-1051.

“Heading” means the caption title for any level of division within in the Code.

“Historical note” means the note appearing information published by the Office after each Section, Appendix, Exhibit, Illustration, or Table of in a Chapter, or after each separate Appendix, Exhibit, Illustration, or Table, in the Code that gives, the The historical note provides the history of that particular Section, Appendix, Exhibit, Illustration, or Table, and including includes:

the The rulemaking action,

the The Register citation where the rulemaking was published,

the The rule effective date, and

the The Code Supplement number in which the Section, Appendix, Exhibit, Illustration, or Table was published.

“Illustration” means supplementary material used for diagrams, pictures, and other graphics.

“Label” means the number or letter that is assigned to a division of the Code division and to its subsections, and that A label is used to identifies identify the a particular Code division or subsection.

“Notice form” means the a form prescribed by the Office and that used an agency uses when submitting to file material documents to the Office for filing or publication.

“Office” means the Department of State, Office of the Secretary of State, Public Services Division.

“Other documents” means a record or other information required by statute to be printed in the Register not listed under R1-1-103(E).

“Part” means a division of the Code between Article and Section.

“Preamble” has the same meaning as in A.R.S. § 41-1001(15).

“Public record,” for purposes of this Chapter, means a record that a governmental unit is required by law to retain or that is necessary to keep in discharge of duties imposed by law. Public records include filed the rulemaking documents as filed by state agencies with the Secretary of State, and the rules as published by the Secretary of State in either the Code or the Register, or the rules as generated in any electronic format by the Secretary of State.

“Register” means the Arizona Administrative Register, published under A.R.S. § 41-1013.

“~~Renumbering~~” “Renumber” means to changing change the numbers of one or more whole Sections in their entirety. Renumbering does not include changing the labels of subsections within a Section.

“Repeal” means to rescind and remove a rule by removing it from a Chapter heading, Subchapter heading, Part heading, Article heading, or a Section and its heading in its entirety, the Code.

“Rule” means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of an agency. Rule includes prescribing fees or the amendment or repeal of a prior rule but does not include intra-agency memoranda that are not delegation agreements. A.R.S. § 41-1001(17) has the same meaning as in A.R.S. § 41-1001(18).

“Rulemaking” or “rulemaking activity” means the process a state agency uses to make, amend, or repeal a rule “rulemaking process” has the same meaning as in A.R.S. § 41-1001(19).

“Rulemaking action” or “action” means: Repeal, Renumber, Amend, and New Section (or Article). Only one rulemaking action shall be listed per line in a preamble.

“Rulemaking activity” means an agency is actively engaged in rulemaking.

“Rulemaking package” or “rulemaking documents” means all material a collection of receipts, certificates, notices, rules, and rule-related documents (for example, a copy of a letter or e-mail from the governor stating an agency may proceed with a rulemaking under a rulemaking moratorium executive order) filed as a unit with the Office as part of rulemaking.

“Section” means an individual rule that is a unit of an Article or Part.

“Section number” means the number letter-number combination that identifies assigned to a Section.

“Subchapter” means a division of the Code division between a Chapter and Article.

“Subsection” means a division paragraph of in a Section of the Code.

“Summary rule” means a rule made under A.R.S. § 41-1027.

“Supplement” means a quarterly Code update to the Code release.

“Table” means supplementary material containing tabular information organized in a systematic arrangement by columns and rows.

“Title” means a subject area in the codification of the Code.

#### **R1-1-103. Submission Requirements for Publication and Filing Requirements**

- A. An agency submitting material for filing or publication in the Register or Code shall send one original and two copies to the Office. A notice and supporting documents shall be prepared according to the Administrative Procedure Act, Article 3, Rule Making and the requirements in this Chapter.
- B. Typesetting specifications.



1. Page layouts shall be set to use a one-inch margin.
  2. A font size shall be no smaller than 9 point or larger than 12 point.
  3. Line spacing shall be set to be at least 1.5 lines or double-spaced. If applicable, the Economic, Small Business, and Consumer Impact Statement may be single-spaced.
  4. Page numbers shall be consecutively numbered on all pages of the rulemaking package in the footer.
  5. Footnotes or endnotes shall not be used on a receipt, certificate, preamble or in the text of a rule.
- C.** Paper file specifications.
- ~~B.1.~~ All pages of an original rulemaking package document and all copies, including all receipts and certificates accompanying the document, shall be printed on one side. All pages shall have a one-inch margin on all edges. All pages of the original document shall be double-spaced or spaced space and a half. The following may be single-spaced:
1. The Economic, Small Business, and Consumer Impact Statement; and
  2. Incorporated-by-reference material.
- ~~C.~~ The text and images on all original pages and copies shall appear be clear and legible. The Office shall return to the agency a rulemaking package that does not contain an original of both the text and all supplementary material. An agency shall not use a text font size smaller than 9 point or larger than 12 point.
2. Other notices and all copies shall be printed on one side.
- ~~E.~~ All rulemaking packages submitted for publication shall meet the following requirements:
- 1.3. The original Pages shall not be:
    - a. stapled ~~Stapled~~, nor shall it or any of the copies be
    - b. hole ~~Hole~~ punched, or The Office shall not accept
    - c. Printed on ~~pleading paper~~, with numbers and vertical lines along the right or left hand margins.
  2. Each document containing rules or relating to the rulemaking process submitted for publication shall specify on the notice or on the Preamble, as applicable, the Code citation, Code divisions, and the specific Sections involved. Subsections shall not be specified in the column headed "Sections Affected." Articles, Parts, and Subchapters shall be specified if their labels or headings are being changed or if the Articles, Parts, and Subchapters are being added to the Chapter or repeated in their entirety.
  3. Underlining shall be used for text added to rules. This includes new language for a Chapter, Article, or existing Section, the addition of an entire Section, the addition of new language in existing supplementary material, or the addition of new supplementary material. Underlining shall not be used in the text of rules for any other purpose.
  4. The Preamble of a rulemaking package shall not contain footnotes or endnotes. This subsection does not apply to the Economic, Small Business, and Consumer Impact Statement and material that is incorporated by reference.
  5. A table of contents listing all Sections and other divisions of the Chapter on which rulemaking is taking place shall be included in the rulemaking package after the last item in the Preamble and before the text of the first Section. Sections, Articles, or Parts, if applicable, not having rulemaking action taken in a particular rulemaking package shall not be included in the table of contents. The table of contents shall not include page numbers to the various Sections in the rulemaking, nor shall it be labeled "Table of Contents."
  6. Pages in the package shall be consecutively numbered, from the first page of the Preamble through the last page of the text of the rules or supplementary material appearing at the end of the rulemaking package.
  4. Two copies shall be made of the original rulemaking package and rule-related documents.
7. **E.** Filing Specifications. An agency shall compile a The original rulemaking package and copies shall be compiled as listed before submitting it to the Office.
1. An Two agency shall place the receipts shall be placed on top of the entire submission original rulemaking package and copies as prepared under R1-1-105.
  2. and place the The original rulemaking package and supporting documents and each copy of the items listed below shall be collated in the following sequential order:
    - a. The Council If applicable, the original signed certificate of approval or from either the Council or the Attorney General certificate of approval, if applicable as prepared under R1-1-105;
    - b. The original signed agency certificate as prepared under R1-1-105;
    - c. The original notice, including the Preamble as prepared under the requirements of the notices Section of this Chapter;
    - d. The table of contents;
    - e. The original text of the rule to including include supplementary material within the rules;
    - f. If applicable, The the Economic, Small Business, and Consumer Impact Statement, if applicable (A.R.S. § 41-1055); and
    - g. Incorporated-by-reference material and other Other information rule-related documents required to be filed with the rule (compiled only with the original rule rulemaking package).
  3. The two copies of the rulemaking package and supporting documents shall be collated as listed under subsection (E)(2) and placed under the original documents.
- ~~D.~~ 4. An agency shall file only one Chapter per notice for any rulemaking activity. If an agency files more than one Chapter per notice, the Office shall return the notice to the agency.



- F.** Other notices unrelated to rulemaking that describe official actions, agreements, policies, duties, or guidance shall be filed as specified under statute and this Chapter.
1. Examples of other notice filings include but are not limited to notices of:
    - a. Agency Ombudsman (R1-1-212).
    - b. Substantive Policy Statement (R1-1-210).
    - c. Agency Guidance Document (R1-1-210).
    - d. Proposed or Final Delegation Agreement (R1-1-208).
    - e. Formal Rulemaking Advisory Committee (R1-1-206).
    - f. Objection to a Proposed Expedited Rulemaking (R1-1-802).
    - g. Public Information, and
    - h. Petition.
  2. Other notices shall be prepared as specified under subsections (A) and (B).
  3. Filing specifications. Other notices shall be compiled as listed:
    - a. Two agency receipts shall be placed on top of the notice as prepared under R1-1-106.
    - b. The notice shall be placed under the receipts.
    - c. Other rule-related documents shall be placed under the notice.
  4. An agency shall contact the Office if a notice form is not provided in this Chapter.
- F. G.** The Office shall not accept but shall return to the agency a rulemaking package a filing that does not meet the requirements of this Chapter.

**R1-1-104. Submitting Material How to File Documents for Publication**

- A.** An agency submitting a rulemaking package or other notice, as specified in the Act and this Chapter, to the Office for publication in the Register shall follow deadlines established by the Office and published Submission deadlines and a publication schedule are printed in the Register. Notices filed are published under this schedule.
- B.** Filings are accepted during Office hours. Office hours are 8 a.m. to 5 p.m., Monday through Friday, except state holidays. The filing mailing address and location are listed under R1-1-107.
- B. C.** An agency shall submit its A rulemaking package shall be filed in on paper copy as required under R1-1-103. The paper copy is the official document of record.
- D.** The notice shall also be filed and in on an electronic medium. This is to ensure accuracy between the filing and the printed version in the Code and Register.
1. All electronic Electronic media submissions shall be compatible with the Office's computer system and software. Information about the types of media accepted is available in the Arizona Rulemaking Manual.
  2. An agency shall not save electronic format rules as templates, images or in portable document formats.
- C.** Information other than rulemaking notices required by law to be published in the Register shall be submitted to the Office in an electronic medium and in paper copy. This information includes agency ombudsmen names and addresses, notices of substantive policy statements, notices of guidance documents, notices of proposed and final delegation agreements, and notices of formal rulemaking advisory committees.
- D.** An agency shall use the correct notice form prescribed by the Office when submitting material to the Office for publication or filing. An agency shall contact the Office when using a form not prescribed by the Office.

**R1-1-105. Certificates**

- A.** Agency certificates. An agency certificate is evidence that an agency head or agency head's designee reviewed and approved shall accompany each a rulemaking package.
- B.** An agency certificate shall be prepared as specified in this Section.
1. An original and two copies of the certificates shall be filed with each rulemaking package. The Office shall not consider a package submitted to the Office without an agency certificate to be formally filed.
  2. The certificate shall be printed on one side and shall state the following include:
    - 1-a. The heading "AGENCY CERTIFICATE" in capital letters centered on a line at least one inch from the top of the page;
    - 2-b. The type of notice being submitted, the certificate is being attached to in capital letters centered on a line below "AGENCY CERTIFICATE"; and
    - 3-c. The following numbered items, consecutively numbered:
      - a-i. The agency name;
      - b-ii. The Chapter heading;
      - e-iii. The Code citation for the Chapter;
      - d-iv. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, in numerical order;
      - v. The attestation, "The rules contained in this package are true and correct as proposed, made etc."
      - e-vi. The signature, in ink, of the agency chief executive officer officer's or designee designee's signature, in ink, affirming to the attestation, attesting that the material being submitted is a true and correct version of the rule proposed or made by the agency. The certificate shall include under which shall be the printed or typed name of the person signing the form, the person's title, and the date of signing signed, and





- f. For a final rule, a statement that no changes have been made since the Council approved the rule if the rule is subject to Council review and approval.
- C. Agency certificates, exemption from the rulemaking process.**
1. An agency certificate shall be filed with a rulemaking package containing rules exempt from both Council and Attorney General review.
  2. The agency certificate shall include the information required in subsection (B) and meet the filing specifications under R1-1-103.
  3. The certificate also shall:
    - a. State the reason why the rules are exempt from review; and
    - b. List the statutory citations, constitutional provisions, or citations to court decisions that specify the exemption to the rulemaking process.
- ~~B.D.~~ A Council certificate certificates.** A Council certificate is evidence the Council reviewed the rule, and approved the rule in whole or in part.
1. ~~Council certificates shall be filed with a rulemaking package containing rules of approval shall accompany all final rules~~ subject to Council review.
  2. A certificate shall be prepared by Council.
  3. The certificate shall state:
    - a. Whether a rule has been approved;
    - b. Whether a part of a rule or a rule Section has been disapproved;
    - c. Whether Council, upon review, amended an agency's final rule;
    - d. If the Council disapproves, under subsection (D)(3)(b), or amends under (D)(3)(c), the Council shall include a statement that the agency was aware of the changes and the name of the person contacted;
    - e. If applicable, a statement that the agency's immediate effective date, or a date earlier or later than the 60-day effective date has been approved as specified under R1-1-110 and A.R.S. § 41-1032 et seq.
  4. ~~When the Council submits the rules to the Office for an agency, the~~ The original Council certificate shall be attached to the rules as approved by the Council. The Office shall ~~not accept any final rulemaking package subject to Council review and approval if the return a Council filing if a rulemaking package does not include an original certificate of approval is missing or altered in any way.~~
- ~~C.E.~~ An Attorney General certificates.** An Attorney General certificate of approval or disapproval is evidence the Attorney General reviewed rules and approved the rule.
1. The Attorney General shall prepare a certificate of approval or disapproval.
  2. The original and two copies of the certificate shall ~~accompany~~ be filed with all rules subject to Attorney General review. ~~The certificate shall be attached to the original rulemaking document within the rulemaking package.~~
  3. The Office shall ~~not accept~~ return the filing if the a rulemaking package does not include an original ~~subject to Attorney General review and approval if the~~ Attorney General certificate of approval or disapproval is missing or altered.
  4. If the Attorney General does not approve one or more Sections in the rulemaking, the Attorney General shall prepare a certificate of disapproval ~~and listing~~ list all Sections not approved and ~~attach file it to with~~ the package.
  5. If applicable, a statement that the agency's immediate effective date, or a date earlier or later than the 60-day effective date has been approved.
- ~~D.~~ An agency certificate accompanying a rulemaking package containing rules exempt from both Council and Attorney General review** shall include the information specified in subsections (A)(1) through (3) and shall include a statement specifying why the rules are exempt from review along with a citation to the statutory or constitutional provision or a citation to the court decision specifying the exemption.
- ~~E.F.~~ Certificate Signatures.**
1. ~~On an An~~ An agency certificate, shall have the agency chief executive officer's name and title ~~shall be typed under the ink signature and the date of signing signed shall be indicated.~~ If a designee signs the certificate, the designee's name and title shall be typed under the signature and the date of signing signed shall be indicated.
  2. A Council certificate shall have the chairperson's, or the chairperson's designee's, name and title typed under the ink signature and the date signed. If a designee signs the certificate, the designee's name and title shall be typed under the signature and the date signed.
  3. An Attorney General certificate shall have the Attorney General's name and title typed under the ink signature and the date signed. If a designee signs the certificate, the designee's name and title shall be typed under the signature and the date signed.
  4. The Office shall not accept an agency certificate that contains one person's signature and another person's typed name.
- G. Notices filed without certificates as specified in this Section shall be returned.**
- R1-1-106. Receipts**
- A.** A receipt, time- and date-stamped by the Office, is evidence a notice was filed.
- B.** An agency shall prepare a receipt as outlined in this Section and specified under R1-1-103. ~~An agency submitting a rulemaking package or other document to the Office for publication or filing under the Act shall attach at least two cop-~~



ies of a receipt. The Office shall time and date stamp all receipts, keep one receipt for its files, and return the other receipts to the agency.

**C. Two receipts shall be filed with every notice.**

**D. The original receipt and copy shall be printed on one side and shall state the following include:**

1. The heading "AGENCY RECEIPT" in capital letters centered on a line at least one inch from the top of the page;
2. The type of notice being submitted, in capital letters centered on a line below "AGENCY RECEIPT"; and
3. For rulemaking packages and related notices The the following numbered items, consecutively numbered:
  - a. The agency's name; and
  - b. If applicable, the Title, Chapter, Subchapter, Article, Part, and Sections that are contained in the rulemaking package and the each rulemaking action occurring on each.
4. For other non-rule related documents:
  - a. The agency name, and
  - b. The subject of the notice.

**R1-1-107. Filing Location Where to File**

**To file:**

1. In person An agency, the Council, or the Attorney General shall either file rules in person with the Office at the State Capitol Executive Tower, 1700 West Washington, 7th Floor, Phoenix, Arizona; or
2. By inter-agency mail, use the address above; or
3. By mail the rules to: address is Secretary of State, Public Services Division, 1700 West Washington Street, 7th Floor, Phoenix, Arizona 85007-2888 85007-2808. The Office shall accept a document for filing or publication only if it meets the requirements specified in the Act and this Chapter.

**R1-1-109. Correction Corrections of Errors**

**A. Agency Substantial Changes to Rules**

1. Notice of Proposed Rulemaking. After a proposed rulemaking package is filed with the Office, An Agency shall make a substantial change to rules in a Notice of Proposed Rulemaking an agency may make a substantive change in the text only by filing a Notice of supplemental proposed rulemaking Supplemental Proposed Rulemaking package showing the change, as specified as outlined in under R1-1-507 and A.R.S. § 41-1022(E).
2. Notice of Expedited Rulemaking. An agency may correct, under expedited rulemaking, typographical errors, make address or name changes or clarify language of a rule without changing its effect under A.R.S. § 41-1027(A)(5) and as outlined under Article 8.

**B. After a final, proposed summary, final summary, exempt, or emergency rulemaking package is filed with the Office, an agency may request that the Office Corrections.**

1. The Office may correct a manifest typographical or clerical error under A.R.S. § 41-1011(C).
2. The Office may request written documentation from an agency to clarify in the text by filing the corrected pages, accompanied by a letter signed by the agency's chief executive officer or the officer's designee requesting the Office to correct the error and specifying why the agency considers the error a manifest typographical or clerical error correction.
  - a. The documentation shall be filed with a copy of the corrected pages and the letter shall both indicate the specific changes to be made. Both the original rulemaking package, and the corrected pages shall remain on file.
  - b. The Office shall make and publish the corrections of the manifest typographical or clerical error in the next available issue of the Register or supplement to the Code under the published deadline schedule. An error that the Office considers substantive in nature shall be corrected through the regular rulemaking process.

**C. If, upon review, an issuing agency discovers an error in its rules as published in the Code or Register, the agency shall notify the Office in writing about the error.**

1. If the error is substantive and was in the document as submitted by the agency, the agency shall go through the regular rulemaking process to correct the error.
2. If the error is a manifest typographical or clerical error, the agency shall follow the procedure in subsection (B), and the Office shall follow the procedure in subsection (D) to print the correction.

**D. If the Office finds an error in the printing of a rulemaking package in the Register or Code or an agency notifies the Office about a manifest typographical or clerical error and follows the procedures specified in this Section, the Office shall correct the error in the next available issue of the Register or supplement to the Code if the Office determines that the error would confuse or mislead the reader. If the error would not confuse or mislead the reader or is in a note or heading not considered part of the rule, the Office shall correct the error and publish the correction in the next supplement to the Code.**

**R1-1-110. Effective Date**

**A. A rule becomes effective sixty days after a certified original and two copies of the rule and preamble are filed in the office of the secretary of state, A.R.S. § 41-1032. For a final or emergency rule, the effective date is 60 days after the date of filing in the Office, unless:**

1. The Council or the Attorney General may approves allow an effective date earlier than 60 days, after the date of filing in the Office, or



2. An agency ~~may specify~~ specifies an effective date later than 60 days ~~after the date of filing in the Office.~~ The effective date shall be included in the rulemaking package.

~~B.3. For a summary rule, the interim effective date is the date the proposed summary rule is published in the Register. If the Council approves the an summary expedited rule rulemaking, and the agency files it in the Office under A.R.S. § 41-1027(I), the interim effective date becomes the permanent effective date 60 days after the date of filing in the Office expedited rule becomes effective 30 days following publication of the Notice of Final Expedited Rulemaking in the Register. A.R.S. § 41-1027(J)~~

~~C.4. For a A Notice of Recodification, the is effective on the date is the date of filing filed in the Office.~~

**R1-1-114. Official Distribution Complimentary Copies of the Register and the Code at No Charge**

A. The Office shall distribute copies Upon request, complimentary paper copies of the Register and the Code ~~to the following, shall be provided to upon request, without charge:~~

1. Governor: one copy;
2. Legislature:
  - a. The Senate: six copies;
  - b. The House of Representatives: six copies;
  - c. The Department of Library, Archives, and Public Records: three copies;
3. Attorney General: 15 copies;
4. Supreme Court: one copy;
5. Counties. Each county law library (or one major public or university library per county if the county does not have a law library): one copy. The County Board of Supervisors shall specify to the Office the library to which the subscription is to be sent when there is no county law library;
6. Governor's Regulatory Review Council: one copy of the Register and one copy of the Code.

B. The Office may distribute one copy of individual Chapters as printed in a Code supplement free of charge to the agency filing the An agency that files a final, summary, expedited, emergency, or exempt rule if the agency may requests request a one complimentary copy of its Chapter.

**R1-1-202. Register Contents**

Each issue Register contents of the Register shall contain all material submitted in the categories specified by include:

1. Public records listed under A.R.S. §§ 41-1013 and 49-112; and
2. Other documents as listed under R1-1-103(E). any other items required by state statute or session law to be published in the Register.

**R1-1-205. Notice of Rulemaking Docket Opening**

A. When a rulemaking docket is established, an agency shall submit An agency shall prepare a notice of rulemaking docket opening Notice of Rulemaking Docket Opening under A.R.S. § 41-1021 and this Section to the Office.

B. The Notice of Rulemaking Docket Opening shall contain:

1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF RULEMAKING DOCKET OPENING in all capital letters centered on a line approximately one inch from the top of the page;
2. followed by On a centered line under the notice heading, in all capital letters, the name of the agency below the notice heading centered on the line.
3. The remainder of the notice shall contain the following information Under the agency name, the listed items consecutively in the same numbered order:
  - ~~1-a.~~ The Title and its heading;
  - ~~b.~~ the The Chapter and its heading;
  - ~~c.~~ If applicable, the Subchapter and its heading, if applicable;
  - ~~d.~~ the The Article and its heading;
  - ~~e.~~ If applicable, the Part and its heading, if applicable; and
  - ~~f.~~ the appropriate Section or Section numbers;
    - ~~a-i.~~ If an agency does not know specific Sections at the time of docket opening, the An agency may shall specify the phrase "Sections to be determined." if Section numbers have not yet been assigned to rules.
    - ~~b-ii.~~ If an agency knows specific specifies Sections under subsection (B)(3)(f) and anticipates but may want to add adding Sections to the rulemaking as the rulemaking is drafted, the agency shall specify list the particular Sections and add the language phrase "Sections may be added, deleted, or modified as necessary."
- 2-4. The subject matter of the proposed rule and if applicable, the agency docket number, if applicable;
- 3-5. A citation to all published notices relating to the proceeding, including the type of published notice, the Register volume number, the abbreviation "A.A.R."; the page number on which the notice began; and the issue date including month, day, and year A list of Register citations formatted as provided under R1-1-409(A) to any notices filed and published relating to the Notice of Rulemaking Docket Opening;
- 4-6. The name and address of agency personnel with whom persons may communicate regarding the proposed rule (this may include a telephone number, fax number, and e-mail address); The agency's contact who can answer questions about the rulemaking. This information shall include:



- a. Name;
  - b. Address;
  - c. Area code and telephone number; and
  - d. If applicable, fax number, e-mail and web site addresses.
  - 5-7. The time time-frame during which the agency will accept written comments and if applicable the time and place where oral comments may be made; and
  - 6-8. If known, A a timetable for agency decisions or other action actions on the proceeding, if known.
  - C. When filing a Notice of Rulemaking Docket Opening the notice shall include:
    - 1. Two agency receipts as specified in R1-1-106;
    - 2. An original and two copies of the notice as specified in R1-1-103.
  - D. Documents listed under subsection (C) and the Notice of Rulemaking Docket Opening shall be filed for publication in the Register.
- R1-1-211. Summary of Council Action**
- A. The Under A.R.S. § 41-1013, the Council shall submit to the Office for Register publication prepare a summary of Council action on:
    - 1. each A final rule approved under A.R.S. § 41-1052; or
    - 2. An summary rule expedited rule approved under A.R.S. § 41-1053.
  - B. The Council may summarize Rules rules of one Chapter, one Subchapter (if applicable), or one Article if the Article has Parts, if Sections affected are listed and grouped together into one rulemaking package, may be summarized together if the specific Sections affected are listed.
  - C. The Council shall file a Summary of Council Action for publication in the Register.

### ARTICLE 3. THE ARIZONA ADMINISTRATIVE CODE

**R1-1-302. Publication of the Code and its Supplements**

- A. The Office shall publish the The Code is published in loose leaf form as specified in the Act under A.R.S. § 41-1012(B).
  - 1. A Code publication schedule is printed in the Register.
  - 2. A free copy of the schedule is available upon request.
- B. The Office shall update the The Code by is updated quarterly supplements. A supplement containing contains all final, summary expedited, emergency, and exempt rules filed in the Office during each a calendar quarter.
- C. Supplements A supplement release date are is dated with the last day of the calendar quarter. Supplements are A supplement is numbered according to the by calendar year of publication and the number of the quarter. The Office shall publish a supplement calendar in the Register.
- D. Supplements A supplement are is printed in complete by Chapters.
- E. Each time the Office publishes a supplement to the A Code, the Office issues a new price list showing all Chapters in the Code in numerical order and indicating the last supplement in which each Chapter was printed along with the price for each Chapter is published under A.R.S. § 41-1012(D). The price list is available online at www.azsos.gov. A free copy of the price list is available upon request.
- F. Persons may buy individual Code Chapters or Titles of the Code, are sold individually, or they may buy an entire set. Persons who buy an entire set are eligible to buy an Code subscriptions are available for the set of Titles as codified. An annual subscription, which contains quarterly supplements, is available for purchase to update the set. Subscription forms are available from the Office.

### ARTICLE 4. RULE DRAFTING

**R1-1-401. Rule Drafting Style and Format**

An agency preparing a rulemaking package for filing with the Office shall draft it Rulemaking notices and supporting documents shall be prepared, drafted, and filed in accordance with this Chapter, the APA, and be consistent with the recommendations in the Arizona Rulemaking Manual.

**R1-1-414. Materials Incorporated by Reference; Citation of Referenced Material; Eligibility and Citations**

- A. An agency may Items that may be incorporated incorporate by reference materials as within an agency's rules are specified in under A.R.S. § 41-1028.
- B. Following If an agency determines the materials meet the standards to incorporate them by reference under A.R.S. § 41-1028, it shall the citation cite the name of the incorporated by reference incorporated by reference material materials in the rule text of the rules shall be a statement specifying that the incorporated material contains no later editions or amendments.
- C. A citation Citations to an item materials incorporated by reference shall state include:
  - 1. the The name of the materials incorporated by reference;
  - 2. The name and address of the agency, organization, or association that developed the material;
  - 3. The publisher's name and address, if the material was not printed by the agency, organization, or association listed under subsection (C)(2);
  - 4. If available, the publication:
    - a. Copyright date, or



- b. Release date, or
- c. Revision date of publication;
- 5. If available, the International Standard Book Number (ISBN); and
- 6. a location where the item is available if different from the publisher. If a physical address for the publisher is not available, or a web site address where the material is available or may be purchased, may be substituted.
- 7. A statement shall be included with the citation specifying that the rule does not include any later amendments or editions of the materials incorporated by reference.
- D. A citation to an item incorporated by reference shall state where a copy of the incorporated by reference material is available from the agency issuing the rule. An agency shall make available for review, any incorporated by reference material included in a rule. The agency shall include the address where the publication or document may be viewed.
- E. An item incorporated Incorporated by reference materials and filed with an agency's final rules prior to before September 18, 2003, may be viewed in the Office. The Office shall not photocopy any copyrighted material incorporated by reference. Any materials protected under U.S. copyright laws, Title 17 of the U.S. Code, shall not be reproduced.
- F. Incorporated by reference materials included in an agency's rules after September 18, 2003, are available by contacting the agency, organization, or association that developed the material or the state agency that incorporated it.

## ARTICLE 5. PROPOSED RULEMAKING

### R1-1-502. Notice of Proposed Rulemaking

- A. No change
- B. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
    - c. No change
      - i. No change
      - ii. No change
  - 6. No change
  - 7. No change
  - 8. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
  - 9. No change
  - 10. No change
  - 11. No change
  - 12. No change
  - 13. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
  - 14. No change
  - 15. No change
    - a. No change
    - b. No change
    - c. Whether a person submitted an analysis to the agency that compares regarding the rule's impact of the competitiveness of business businesses in this state to the impact on as compared to the competitiveness of business businesses in other states.
  - 16. No change
  - 17. No change
  - 18. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble. The text of the rules shall contain in sequential order:
    - a. No change
    - b. No change



- c. No change
- d. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. A Chapter, Subchapter, Article, Part or Section heading with text being made, amended, renumbered or repealed shall have the text written as described in ~~R1-1-502~~ subsection (B)(18)(e)(iii) and (iv).
- e. Under the list in subsection (B)(18)(d) the next page shall be the full text of the Sections being made, amended, repealed or renumbered. The text shall:
  - i. No change
  - ii. No change
  - iii. Specify current rule text being deleted or repealed as stricken. Striking shall not be used for any other purpose.
  - iv. Specify rule text being made as new text as underlined. Underlining shall not be used for any other purpose.
  - v. Within a Section, have stricken text appear before new, underlined text.
- f. No change
- g. No change
- C. No change.
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change

#### ARTICLE 8. ~~SUMMARY RULEMAKING~~ EXPEDITED RULEMAKING

##### **R1-1-801. ~~Notice of Summary Rulemaking~~ Notice of Proposed Expedited Rulemaking**

- ~~A.~~ If an agency determines it meets the requirements of A.R.S. § 41-1027 and other requirements in the Act an agency shall prepare a Notice of Summary Rulemaking as prescribed in this Section.
- ~~B.~~ A Notice of Proposed Summary Rulemaking shall contain:
  - 1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF PROPOSED SUMMARY RULEMAKING.
  - 2. On a centered line under the notice heading, the agency's *Code* Title number and heading.
  - 3. On a centered line below the Title number and heading, the agency's *Code* Chapter number and heading.
  - 4. If applicable, on a centered line under the Chapter number and heading the agency's *Code* Subchapter label and heading.
  - 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, PREAMBLE. The Preamble of the Notice of Proposed Summary Rulemaking shall include, in numbered order:
    - a. A list of the Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as specified in R1-1-502(B)(5).
    - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
    - c. The interim effective date of the summary rule as specified in A.R.S. § 41-1027(D).
    - d. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
      - i. Name;
      - ii. Address;
      - iii. Area code and telephone number; and
      - iv. Fax number, e-mail and web site addresses, if applicable.
    - e. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking.
    - f. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
    - g. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
    - h. If required, a preliminary summary of the economic, small business, and consumer impact. If not required, a statement of exemption under A.R.S. § 41-1055(D).
    - i. Agency personnel to contact about the accuracy of the summary of the economic, small business, and consumer impact statement. This information shall include the contact's:
      - i. Name;



- ii. Address;
    - iii. Area code and telephone number; and
    - iv. Fax number, e-mail and web site addresses, if applicable.
  - j. The time, place, and nature of the proceedings to make, amend, or repeal the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed summary rule.
  - k. A justification to the use of summary proceedings.
  - l. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters shall include but are not limited to:
    - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;
    - ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
    - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
  - m. The phrase "The full text of the rules follows:".
6. The full text of the rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain the text as specified in R1-1-502(B)(18).
- C.** If an agency determines it meets the requirements in A.R.S. § 41-1027(A) through (E) it shall prepare a Notice of Final Summary Rulemaking. An agency shall, within 90 days after publication in the *Register* and after consideration of any comments, submit to the Council its final summary rule, along with the Preamble, concise explanatory statement, and economic, small business, and consumer impact statement.
- D.** A Notice of Final Summary Rulemaking shall contain:
- 1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF FINAL SUMMARY RULEMAKING.
  - 2. On a centered line under the notice heading, the agency's *Code* Title number and heading.
  - 3. On a centered line under the Title number and heading, the agency's *Code* Chapter number and heading.
  - 4. If applicable, on a centered line under the Chapter number and heading the agency's *Code* Subchapter label and heading.
  - 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, PREAMBLE. The Preamble of the Notice of Final Summary Rulemaking shall include, in numbered order:
    - a. A list of Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as specified in R1-1-502(B)(5).
    - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
    - c. The permanent effective date of the summary rule as specified in A.R.S. § 41-1027(D).
    - d. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the Notice of Final Summary Rulemaking package.
    - e. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
      - i. Name;
      - ii. Address;
      - iii. Area code and telephone number; and
      - iv. Fax number, e-mail and web site addresses, if applicable.
    - f. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking.
    - g. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
    - h. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
    - i. If required, a summary of the economic, small business, and consumer impact. If not required, a statement of exemption under A.R.S. § 41-1055(D).
    - j. A description of any changes between the proposed summary rulemaking and the final summary rulemaking.
    - k. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments.
    - l. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters include but are not limited to:
      - i. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used;



- ii. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law; and
      - iii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
    - m. The phrase "The full text of the rules follows:".
  - 6. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble and contain the text as specified in R1-1-502(B)(18).
- E.** A summary rulemaking package shall include:
- 1. Two agency receipts as specified in R1-1-106;
  - 2. An original and two copies of the agency certificate as specified in R1-1-105;
  - 3. If the notice is a Notice of Final Summary Rulemaking, an original and two copies of Council's certificate of approval as specified in R1-1-105;
  - 4. An original and two copies of the rulemaking package as specified in R1-1-103;
  - 5. An economic, small business, and consumer impact statement if required by A.R.S. § 41-1055; and
  - 6. An agency that received an analysis that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.
- F.** Upon approval from the Council of the final summary rule, the Council shall file the final summary rulemaking package, to include all documents listed in subsection (E) with the Office.
- A.** Before a Notice of Proposed Expedited Rulemaking is filed an agency shall request to proceed under A.R.S. § 41-1027.
- 1. If the rulemaking complies with A.R.S. § 41-1027(A)(1), (3), or (5), the agency shall notify the governor, the president of the senate, the speaker of the house of representatives and the council of the proposed expedited rule making as specified under A.R.S. § 41-1027(B). Notification shall include:
    - a. Agency staff contact information. This information shall include the contact's:
      - i. Name;
      - ii. Address;
      - iii. Area code and telephone number; and
      - iv. Fax number, e-mail and web site address, if applicable.
    - b. The exact wording of the proposed expedited rule making and indicate how the proposed expedited rule making achieves the purpose prescribed in A.R.S. § 41-1027(A)(1), (3) or (5).
  - 2. If the rulemaking complies with A.R.S. § 41-1027(A)(2), (4), (6), or (7), the agency shall file a request for proposed expedited rule making with the governor and notify the president of the senate, the speaker of the house of representatives and the council of the request as specified under A.R.S. § 41-1027(C). The request shall include:
    - a. Agency staff contact information. This information shall include the contact's:
      - i. Name;
      - ii. Address;
      - iii. Area code and telephone number; and
      - iv. Fax number, e-mail and web site addresses, if applicable.
    - b. The exact wording of the proposed expedited rule making and an explanation of how the proposed expedited rule making meets the criteria in A.R.S. § 41-1027(A).
  - 3. Before an agency proceeds on the rulemaking under subsection (A)(2) it must receive approval from the governor for the notice (A.R.S. § 41-1027(D)).
- B.** On delivery of the notice required in subsection (A)(1), or on approval by the governor of a request for proposed expedited rulemaking required in subsections (A)(2) and (3), an agency shall prepare a Notice of Proposed Expedited Rulemaking under A.R.S. § 41-1027 and this Section.
- C.** A Notice of Proposed Expedited Rulemaking shall contain:
- 1. On a centered line one inch from the top of the page, the heading in all capital letters, NOTICE OF PROPOSED EXPEDITED RULEMAKING.
  - 2. On a centered line under the notice heading, the agency's Code Title number and heading.
  - 3. On a centered line below the Title number and heading, the agency's Code Chapter number and heading.
  - 4. If applicable, on a centered line under the Chapter number and heading the agency's Code Subchapter label and heading.
  - 5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, PREAMBLE. The Preamble of the Notice of Proposed Expedited Rulemaking shall include, the following list consecutively numbered:
    - a. A list of the Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as prescribed under R1-1-502(B)(5).
    - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
    - c. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
      - i. Name;





- ii. Address;
  - iii. Area code and telephone number; and
  - iv. Fax number, e-mail and web site address, if applicable.
  - d. An agency's explanation why the proposed expedited rule should be made, amended, repealed, or renumbered under A.R.S. § 41-1027(A) and why expedited proceedings are justified under A.R.S. § 41-1001(16)(c).
  - e. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
  - f. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
  - g. If applicable, a statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).
  - h. If applicable, the agency's contact person who can answer questions about the preliminary summary of the economic, small business, and consumer impact of the proposed expedited rule. This information shall include the contact's:
    - i. Name;
    - ii. Address;
    - iii. Area code and telephone number; and
    - iv. Fax number, e-mail and web site address, if applicable.
  - i. The time, place and nature of the proceedings for the making, amendment or repeal of the rule and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(E).
  - j. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters shall include but are not limited to:
    - i. Whether the rule requires a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used;
    - ii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
  - k. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule;
  - l. The phrase "The full text of the rules follows:".
  - 6. The full text of the rules in the rulemaking package shall begin on the page after the last page of the Preamble and contain text formatted as prescribed under R1-1-502(B)(5).
- D. A Notice of Proposed Expedited Rulemaking package shall include:**
- 1. Two agency receipts as specified under R1-1-106;
  - 2. If applicable, three copies of either:
    - a. The notice notifying the governor, the president of the senate, the speaker of the house of representatives, and the council of expedited rulemaking under A.R.S. § 41-1027(B); or
    - b. The request filed with the governor, the president of the senate, the speaker of the house of representatives, and the council under A.R.S. § 41-1027(C); and the governor's approval of the agency's expedited rulemaking request under A.R.S. § 41-1027(D);
  - 3. An original and two copies of the agency certificate as specified under R1-1-105; and
  - 4. An original and two copies of the rulemaking package as specified under R1-1-103.
- R1-1-802. Notice of Objection to a Proposed Expedited Rulemaking**
- A. If the agency received an objection or objections to a Proposed Expedited Rulemaking, a Notice of Objection to a Proposed Expedited Rulemaking shall be filed in the Office for publication under A.R.S. § 41-1013(B)(12).**
- B. A Notice of Objection to a Proposed Expedited Rulemaking shall contain:**
- 1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF OBJECTION TO A PROPOSED EXPEDITED RULEMAKING.
  - 2. On a centered line under the notice heading, the agency's Code Title number and heading.
  - 3. On a centered line under the Title number and heading, the agency's Code Chapter number and heading.
  - 4. If applicable, on a centered line under the Chapter number and heading the agency's Code Subchapter label and heading.
  - 5. A citation to the Proposed Expedited Rulemaking that was published in the Register.
  - 6. The number of objections received.
- C. A Notice of Objection to a Proposed Expedited Rulemaking package shall include:**
- 1. Two agency receipts as prescribed under R1-1-106.
  - 2. An original and two copies of the notice form as prescribed under R1-1-103.
- R1-1-803. Notice of Final Expedited Rulemaking**
- A. If the requirements of A.R.S. § 41-1027 and other requirements in the Act are met, an agency shall prepare a Notice of Final Expedited Rulemaking as specified in this Section.**
- B. A Notice of Final Expedited Rulemaking shall contain:**



1. On a centered line one inch from the top of the page, the heading in all capital letters NOTICE OF FINAL EXPEDITED RULEMAKING.
  2. On a centered line under the notice heading, the agency's *Code* Title number and heading.
  3. On a centered line under the Title number and heading, the agency's *Code* Chapter number and heading.
  4. If applicable, on a centered line under the Chapter number and heading the agency's *Code* Subchapter label and heading.
  5. On a centered line under the Chapter or Subchapter heading, whichever is applicable, the heading in all capital letters and underlined, PREAMBLE. The Preamble of the notice shall include the following list consecutively numbered:
    - a. A list of Articles, Parts, or Sections affected and the rulemaking action of each Article, Part, or Section affected in two columns as prescribed under R1-1-502(B)(5).
    - b. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific).
    - c. The effective date of the rule.
    - d. Citations to all related notices published in the *Register* as prescribed under R1-1-409(A) that pertain to the record of the Notice of Final Summary Expedited Rulemaking package.
    - e. The agency's contact person who can answer questions about the rulemaking. This information shall include the contact's:
      - i. Name;
      - ii. Address;
      - iii. Area code and telephone number; and
      - iv. Fax number, e-mail and web site address, if applicable.
    - f. An agency's explanation why the proposed expedited rule was made, amended, repealed, or renumbered under A.R.S. § 41-1027(A) and why expedited proceedings were justified under A.R.S. § 41-1001(15)(c).
    - g. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material.
    - h. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.
    - i. A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).
    - j. A description of any changes between the proposed expedited rulemaking and the final expedited rulemaking.
    - k. An agency's summary of the public or stakeholder comments or objections made about the rulemaking and the agency response to the comments. An agency shall, "*adequately respond in writing to the comments on the proposed expedited rule making*" under A.R.S. § 41-1027(E).
    - l. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters include but are not limited to:
      - i. Whether the rule requires a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used;
      - ii. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states.
    - m. The phrase "The full text of the rules follows:".
  6. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble and contain the text as prescribed under R1-1-502(B)(18).
- C.** A final expedited rulemaking package shall include:
1. Two agency receipts as specified in R1-1-106;
  2. An original and two copies of the agency certificate as specified in R1-1-105;
  3. An original and two copies of Council's certificate of approval as specified in R1-1-105.
  4. If applicable, three copies of either:
    - a. The notice notifying the governor, the president of the senate, the speaker of the house of representatives, and the council of expedited rulemaking under A.R.S. § 41-1027(B); or
    - b. The request filed with the governor, the president of the senate, the speaker of the house of representatives, and the council under A.R.S. § 41-1027(C); and the governor's approval of the agency's expedited rulemaking request under A.R.S. § 41-1027(D);
  5. If applicable, two copies of the Notice of Objection to a Proposed Expedited Rulemaking provided for Council review;
  6. An original and two copies of the rulemaking package as specified in R1-1-103;
  7. An agency that received an analysis that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states, shall file the analysis with the rulemaking.
- D.** Upon approval from the Council of the proposed expedited rule, the agency shall file the final expedited rulemaking



- package under A.R.S. § 41-1027(I).  
**E.** The expedited rule becomes effective 30 days following publication of final expedited rulemaking under A.R.S. § 41-1027(J).

## ARTICLE 10. RECODIFICATION

### R1-1-1001. Notice of Recodification

- A.** An agency ~~may renumbering~~ renumber one or more Sections from one Chapter to another Chapter, or within a Chapter under R1-1-404(B)(1), ~~shall submit to the Office one original and two copies of a Notice of Recodification for filing and publication. An agency that renumbers a rule under this Section shall make no other changes to the rule except corrections to Section references within the text of the Sections or headings.~~
- B.** A Notice of Recodification shall contain:
1. ~~On a centered line, one inch from the top of the page, the heading in all capital letters NOTICE OF RECODIFICATION in all capital letters, centered on a line approximately one inch from the top of the page;~~
  2. ~~On a centered line under the Notice heading, the agency's Code, followed by the Title, its number, and heading entered under the notice heading;~~
  3. ~~On a centered line under the Title number and heading, the agency's Code followed by the Chapter, its number, and heading entered below the Title;~~
  4. ~~If applicable, on a centered line under the Chapter number and heading, the agency's Code, followed by the Subchapter, its label, and heading, if applicable, centered below the Chapter;~~
  5. ~~Under the Chapter number and heading or, if applicable the Subchapter label and heading, followed by the items listed following list consecutively below in the same numbered order:~~
    - ~~1-a. A list of the The Subchapters (if applicable), Articles, Parts (if applicable), and Sections along with their respective headings:~~
      - ~~i. being Being recodified along with their respective headings; and~~
      - ~~2-ii. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections as As recodified along with their respective headings;~~
    - ~~3-b. A conversion table between the two numbering schemes; and~~
    - ~~4-c. The name and address of agency personnel with whom persons may communicate regarding the recodification.~~
- C.** ~~If an agency renumbers or recodifies a Section, it shall make no other changes to the Section except corrections to Section references within the text of the Section or its heading.~~
- C.** A Notice of Recodification package shall include:
1. Two agency receipts as specified in R1-1-106;
  2. An original and two copies of the agency certificate as specified in R1-1-105; and
  3. The recodification scheme.
- D.** An agency shall file a Notice of Recodification for publication in the Register and the Code.
- DE.** ~~A Notice of Recodification is effective on the date the notice is filed with the Office.~~